

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC-SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#:
DATE FILED: 10/21/2020**

UNITED STATES OF AMERICA,

v.

ESTEBAN AYALA,

Defendant.

No. 17-CR-618 (RA)

ORDER

RONNIE ABRAMS, United States District Judge:

On June 26, 2020, the Court received Defendant Esteban Ayala's *pro se* letter, dated June 11, 2020, requesting that the Court "[m]odify [his] sentencing in such a manner that would allow [him] to serve the remainder of [his] sentence on home confinement," and issued an order construing that letter as a motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1)(A), seeking compassionate release in light of COVID-19. Dkt. 304. On September 16, 2020, the Court received a letter from Mr. Ayala, dated August 26, 2020, which stated that he was to be released to the Bronx Halfway House on September 2, 2020, and expressed that "[t]o invest time and energy going back and forth with word semantics is counter productive to [his] getting ready to be a productive citizen." On September 18, 2020, the Court issued an order directing Mr. Ayala to advise the Court if he wishes to continue to pursue this motion, which the Court was inclined to consider as moot in light of Mr. Ayala's transfer to a residential reentry center and the representations made in his letter of August 26, 2020.

To date, Mr. Ayala has not submitted any response to the Court's September 18 order. No later than November 4, 2020, Mr. Ayala shall file a response to the Court if he wishes to continue to pursue this motion. **If Mr. Ayala does not file a response indicating his intent to pursue this motion by November 4, 2020, the Court will dismiss the motion.** Although Mr. Ayala's failure to respond will not render the motion moot as a legal matter, the Court will consider it, together with his prior letter, to constitute a withdrawal of the motion.

The Government is respectfully directed to promptly serve a copy of this Order on Mr. Ayala and file proof of such service on the docket.

SO ORDERED.

Dated: October 21, 2020
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Ronnie Abrams
United States District Judge